

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DeEARL FOSTER,

Petitioner,

v.

RAMIREZ, et al.,

Respondents.

No. 2:24-cv-2800 WBS AC P

ORDER

Petitioner seeks appointment of counsel because he does not understand what the court is asking from him and because he needs full discovery. ECF No. 12. In his request, petitioner notes that he completed and submitted his application to proceed in forma pauperis and gave it to an officer to sign and mail out. Id.

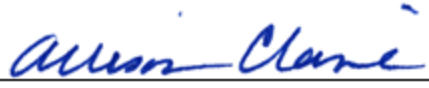
Because petitioner appears to believe that he needs to provide the documents from the criminal case that he seeks to challenge, the court provides the following clarification. No state court documents are required at this time. If petitioner is able to state a claim against respondents, then the court will order *respondents* to lodge the state court record. What petitioner needs to do is file an amended habeas petition which identifies the judgment of conviction at issue, including the name and location of the sentencing or committing court and the case number for the state criminal proceeding, and explain what about the proceedings he thinks violated his constitutional rights. To the extent petitioner seeks to obtain the criminal case file for himself, he

1 can contact his former trial and/or appellate counsel to request those documents.

2 With respect to petitioner's motion to appoint counsel, petitioner is informed that there
3 currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v.
4 Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the
5 appointment of counsel at any stage of the case "if the interests of justice so require." See Rule
6 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the
7 interests of justice would be served by the appointment of counsel at the present time.

8 Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of
9 counsel (ECF No. 12) is denied without prejudice to a renewal of the motion at a later stage of the
10 proceedings.

11 DATED: June 11, 2025

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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